

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re: Case No. 20-44895  
JAMES WORTHAM-THOMAS, IV, and Chapter 7  
SHEKINAH THOMAS,  
Debtors. /  
Judge Thomas J. Tucker

DANA WATTLEY, as Administratrix of the  
Estate of Anderson David C. Biggers, Jr., Adv. Pro. No. 20-04352  
Plaintiff,

v.

JAMES WORTHAM-THOMAS, IV,  
Defendant.

and

JAMES WORTHAM-THOMAS, IV,  
and SHEKINAH THOMAS,

Plaintiffs,

v.

DANA WATTLEY, as Administratrix of the  
Estate of Anderson David C. Biggers, Jr.,

Defendant.

/

**ORDER DENYING MOTION TO IMPOSE  
A CONSTRUCTIVE TRUST, ETC. (DOCKET # 82)**

This adversary proceeding is before the Court on the motion filed by Defendant James Wortham-Thomas, IV and Shekinah Thomas, entitled "Motion to Impose a Constructive Trust Upon Any Proceeds of Plaintiff Dana Wattley's Federal Lawsuit in the United States District Court for the Western District of North Carolina and For Appointment of a Special

Conservator/Special Trustee to Oversee and Pursue the Rights of the Counter-Plaintiffs” (Docket # 82, the “Motion”). The Plaintiff filed a response, objecting to the Motion (Docket # 90). The Court concludes that a hearing on the Motion is not necessary, and that the Motion must be denied.

This Motion is premised on the pendency of the amended counterclaims, contained in the “Amended Counter-Complaint” filed by the movants (Docket # 58, the “amended counterclaims”). Today the Court has filed an Order dismissing the amended counterclaims (Order, Docket # 93). Such dismissal makes the present Motion moot.

For this reason,

IT IS ORDERED that the Motion (Docket # 82) is denied.

**Signed on March 4, 2021**



/s/ Thomas J. Tucker

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**Thomas J. Tucker  
United States Bankruptcy Judge**